

REMARKS

The following remarks are numbered in accordance with the numbered paragraphs in the Office Action that they address.

1. A certified copy of the Canadian priority Application No. 2,412,453 filed November 26, 2002 is enclosed herewith to complete the priority claim.

2, 3. Drawing Corrections - Applicant has amended the drawings as requested by the Examiner. The following is a list of amendments which were made:

Fig. 1 - Reference numeral 50 (mounting tube) was added as requested;

Figs. 2A-C - The dimension lines and sizing arrows have been removed;

Fig. 6, Section D - The lead line for reference numeral 16d'' has been added and reference numeral 12d' has been changed to 12d'' (as per 4(b) below).

4a. Applicant has amended page 6, line 14 as requested by the Examiner to change "centre shaft 14" to --centre shaft 18--. Applicant has noted that the reference numeral for the "spline 22" was incorrectly indicated at lines 9 and 12 as "spline 18" and this error has now been corrected.

4b. Applicant has amended Fig 6 (Section D) to change reference numeral 12d' to 12d'' to correspond with page 9, line 7 of the specification.

5. Claims 17 and 18 have been amended to avoid the use of “and/or” as requested by the Examiner.

7. Applicant has amended claim 20 to indicate that the one or more fixed spacers are “spaced from” rather than “adjacent” the at least one rotatable finger assembly.

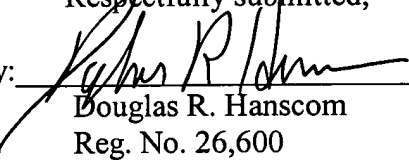
9. Claims 1, 2, 4, 5, 13, 18 and 19 stand rejected under 35 U.S.C. 102 (b) as being anticipated by Nakanishi et al. Applicant traverses this rejection in view of the following.

Nakanishi discloses a device for actuating dunnage having a plurality of rotatable “fingers”. However, the “fingers 4” are not necessarily “independently rotatable” as there are links (wires) 9 and 10 disposed between adjacent fingers which cause partial rotation of an upper finger when a lower finger is rotated to a horizontal position. In addition, Applicant’s fingers are all rotatable about the same common axis whereas the fingers of Nakanishi each rotate about a different axis. This distinction may not have been clear in Applicant’s original claim 1 as it was only indicated the fingers were “mounted about a common axis”. Applicant has therefore amended claim 1 to more clearly recite that the plurality of independently rotatable fingers are “mounted for rotation about a common axis”. The Examiner has recognized the novel nature of this arrangement (see paragraph 11 of the office action) by indicating that the common central shaft of claim 6 was allowable subject matter. Accordingly, it is believed that claim 1 as amended is not anticipated by the cited reference to Nakanishi et al and a favorable reconsideration to this end is respectfully requested. Claims 2, 4, 5, 13, 18 and 19, which are ultimately dependent on claim 1 are likewise believed to be patentable.

In view of the foregoing, Applicant respectfully submits that the application is now in condition for allowance. Accordingly, favorable reconsideration of the application is respectfully requested.

Respectfully submitted,

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